

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**SAMUEL RICE**

**v.**

**RAYMOND BYRD, Warden**

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§

**PETITIONER**

**CIVIL ACTION NO. 1:06cv1229-LG-JMR**

**RESPONDENT**

**JUDGMENT**

This matter having come on to be heard on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper, Sr. [13], the Court, after review and consideration of the Report and Recommendation, the pleadings on file, and the relevant legal authority, finds that in accord with the Order entered herewith,

**IT IS ORDERED AND ADJUDGED** that the Report and Recommendation of Chief Magistrate Judge John M. Roper, Sr., entered on June 20, 2008, be, and the same hereby is, modified in part and adopted in part as the finding of this Court. The Petitioner's Petition for Writ of Habeas Corpus is hereby dismissed.

**SO ORDERED AND ADJUDGED** this the 21<sup>st</sup> day of July, 2008.

*s/ Louis Guirola, Jr.*  
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LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE